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August 13, 2014

United States Attorney  
Eastern District of New York  
610 Federal Plaza  
Central Islip, NY 11722  
Attn: AUSA Saritha Komatireddy

RE: United States v. Philip Kenner & Tommy C. Constantine  
Docket Number: 13-CR-607 (JFB)

Dear Ms. Komatireddy:

Based upon the information provided to date, it is clear that the United States Attorney's Office for the Southern District of New York ("SDNY") commenced an investigation by way of impaneling a grand jury with the defendant, Phillip Kenner, identified as a subject/target of the investigation. As evidenced by the most recent Rule 16 discovery (Bates CR 1 - 48), Criminal Investigator Scott Romonowski of the United States Attorney's Office for SDNY forwarded subpoenas *duces tecum* in furtherance of the investigation and I am advised that a subpoena *duces tecum* was also issued to and/or served on Kenneth Jowdy ("John Doe 17" in the EDNY indictment). As you are aware, the SDNY grand jury investigation did not result in an indictment of Phillip Kenner.

Kindly regard this letter as a demand pursuant to F.R. Crim. P. 16 (A)(1)(E) for a copy of the documents produced pursuant to the subpoena *duces tecum* issued to and/or served upon Kenneth Jowdy in furtherance of the SDNY investigation. Specifically, such documents are "material to preparation of the defense" within the meaning of Rule 16. Additionally, such documents fall within the ambit of Brady material, specifically with respect to the allegations regarding "The Hawaii Land Developments" as set forth in the indictment. To the extent that the subpoena *duces tecum* to Kenneth Jowdy was issued and later withdrawn or not enforced, kindly provide a copy of the documents reflecting the issuance of the subpoena *duces tecum* to Kenneth Jowdy and the documents reflecting the basis for the withdrawal or abandonment of the subpoena. In this regard, the request encompasses any communication by Kenneth Jowdy or any person acting on his behalf, including legal counsel, responsive to the subpoena *duces tecum*.

Very truly yours,

***Richard D. Haley***

RICHARD D. HALEY

cc: AUSA James M. Miskiewicz

